

22 November 2000

Civilian Personnel

VOLUNTARY LEAVE TRANSFER PROGRAM

Summary. This revised regulation (1) incorporates Change 1; (2) changes the approving authority to the CPAC director; (3) allows potential leave recipients to submit applications 30 days prior to a scheduled medical procedure; (4) limits the use of annual leave subject to leave forfeiture in waiving the annual limitation of leave donations; and (5) reflects name changes resulting from recent reorganizations.

Applicability. This regulation applies to all elements of the U.S. Army Intelligence Center and Fort Huachuca (USAIC&FH) and to all partner organizations of this installation serviced by the Civilian Personnel Advisory Center (CPAC).

Supplementation. Supplementation of this regulation is prohibited without prior approval from the proponent.

Suggested improvements. The proponent of this regulation is the CPAC, USAIC&FH. Users may send comments and suggested improvements on Department of the Army (DA) Form 2028 (Recommended Changes to Publications and Blank Forms) through channels to Commander, U.S. Army Intelligence Center and Fort Huachuca, ATTN: ATZS-CP, Fort Huachuca, AZ 85613-6000.

Availability. This publication is available solely on the Fort Huachuca Homepage at <http://huachuca-www.army.mil>.

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*This regulation supersedes FH Regulation 690-31, 24 March 1993, change 1, 27 Sep 96.

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1. Purpose.

This regulation sets forth policies, procedures, responsibilities, and guidelines for the administration of a voluntary leave transfer program under which the unused accrued annual leave of one employee may be transferred for use by another employee who needs such leave due to a medical emergency concerning the employee or a family member. This regulation applies to all full- and part-time appropriated fund employees serviced by the CPAC, USAIC&FH.

2. References.

Referenced publications and forms are listed in appendix A. Prescribed and referenced publications and forms are available electronically. Fort Huachuca publications and forms are available at <http://huachuca-www.army.mil> and higher echelon publications and forms are available at <http://www-usapa.army.mil>.

3. Explanation of abbreviations and terms.

a. Abbreviations.

- (1) CFR Code of Federal Regulations
- (2) CPAC Civilian Personnel Advisory Center
- (3) DA Department of the Army
- (4) DFAS Defense Finance and Accounting Service
- (5) FH Fort Huachuca
- (6) USC United States Code
- (7) USAIC&FH U.S. Army Intelligence Center and Fort Huachuca

b. Terms.

(1) Family member. The following relatives of an employee: spouse (and parents thereof); children (including adopted children and the spouses thereof); parents; brothers and sisters (and the spouses thereof); and any individual related by blood or affinity--whose close association with the employee is the equivalent of a family relationship.

(2) Leave donor. An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved.

(3) Leave recipient. A current employee for whom an application to receive annual leave from the annual leave accounts of one or more leave donors is approved.

(4) Medical emergency. The medical condition of an employee, or a family member of such employee, which is likely to require the prolonged absence of the leave recipient from duty and result in a substantial loss of income because of the unavailability of paid leave.

(5) Working days. Monday through Friday excluding legal holidays.

4. Responsibilities.

a. Commanders, directors, and supervisors of organizations on Fort Huachuca are responsible for:

(1) Leave administration and are authorized to recommend approval of applications for the leave transfer program. Accompanying this authority is the responsibility for ensuring the proper and businesslike use of annual, sick, and other forms of the leave in support of efficient management and constructive management-employee relations. Authority for recommending approval or disapproval of applications made by leave recipients or donors should be delegated to subordinate supervisors where permitted.

(2) Appointing an action officer (usually the immediate supervisor of the leave recipient) responsible for continuously monitoring the status of the medical emergency to ensure the leave recipient continues to be affected by that emergency. When it is determined the leave recipient is no longer affected by the medical emergency, the recommending official will provide written notification to the CPAC, ATTN: ATZS-CP and the leave recipient's servicing payroll office. This notification will include the date the medical emergency terminated. A copy will be furnished to the leave recipient.

b. The CPAC Director is responsible for administering this program according to law and regulation. The CPAC provides information, guidance, and assistance to supervisors and managers in carrying out their responsibilities under the program.

c. The Defense Finance and Accounting Service (DFAS) is responsible for transferring leave of approved leave donors to leave recipients and restoring any unused transferred leave. The DFAS will monitor this program carefully. When a transferred leave balance nears depletion (that is, fewer than a number of hours needed for one pay period), DFAS should notify the CPAC of the number of transferred hours remaining.

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5. Policy for transferring leave.

a. Annual leave transferred under this program is available for use on a current basis, may be retroactively substituted for periods of leave without pay, or may be used to liquidate an indebtedness for advanced annual or sick leave granted, beginning on the first day of the medical emergency.

b. The program was authorized by Public Law 100-566, Federal Employees Leave Sharing Act of 1988. The final regulations for the Voluntary Leave Transfer Program were published by the Office of Personnel Management (OPM) on 31 January 1994.

c. An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave under this regulation. Promising or providing any benefit, taking or threatening to take reprisal action against leave donors, and donating leave for monetary gain are prohibited. Failure to comply with this prohibition may result in disapproval from participating in the program and may result in disciplinary action.

d. If the leave recipient agrees to the release and publication of information concerning the nature, severity, and duration of the medical emergency for the purpose of obtaining leave donations, the CPAC will use a variety of methods to inform other employees of information concerning leave recipients. Such methods may include notices in the Weekly Bulletin, The Huachuca Scout, Supervisor's Bulletin, memoranda signed by supervisors, and other available forms of publication.

e. Annual leave transferred to a recipient may not be included in a lump sum payment under section 5551 or 5552, title 5, United States Code (USC) or made available for recredit under 5 USC 6306 upon reemployment by a Federal agency.

f. Annual leave transferred to a recipient under this program is not subject to the maximum carryover rule at the beginning of a new leave year.

6. Program requirements.

a. An employee who has been affected by a medical emergency which is expected to result in an absence from duty without available paid leave for at least 24 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty) may submit an application to become a leave recipient. An application to become a leave recipient must be submitted no later than 30 days after the termination of the medical emergency. In the case of an individual scheduled for a medical procedure which is expected to result in a medical emergency as defined above, an application to become a leave recipient may be submitted no earlier than 30 days prior to the scheduled procedure.

b. Leave recipients must use all available paid leave (excluding advanced leave) in order to be eligible for the program.

(1) Therefore, when the eligibility is a result of the employee's medical emergency, the employee is required to use all accrued annual and sick leave prior to being credited with any donated leave.

(2) To be eligible to become a leave recipient for a family member's medical emergency, the employee is required to use all available sick leave and all annual leave prior to being credited with any donated leave. The amount of "available" sick leave refers to the 40 hours (or 104 hours) of sick leave available under the Family Friendly Leave Act (FFLA). (See Fort Huachuca Reg 690-15.)

c. Leave donors may not donate leave to their immediate supervisors.

d. In any one leave year, a leave donor may donate no more accrued leave than a total of one-half of the amount of annual leave the donor would be entitled to accrue during the leave year in which donation is made. For example, an employee is accruing four hours per pay period; therefore, no more than 52 hours of accrued leave may be donated in the current leave year. In the case of a leave donor who is projected to have annual leave that otherwise would be subject to forfeiture under 5 USC 6304(a), the maximum amount of annual leave that may be donated during the leave year will be the lesser of the following:

(1) One-half of the amount of annual leave the employee would be entitled to accrue during the leave year in which the donation is made.

(2) The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and for which pay will be received. For example, a leave donor may not donate 40 hours of "use or lose" annual leave when only 32 hours of duty time remains in the leave year.

7. Criteria for waiving the limitation on annual leave donations.

a. A donor's immediate supervisor may approve annual leave donations that exceed the limitation stated in subparagraph 6d if the leave recipient's medical emergency warrants such a waiver. Typical (but not all inclusive) examples of conditions for which such waiver requests can be approved are:

(1) A medical emergency occurs and the leave recipient has not received sufficient amounts of donated leave to cover the entire period of absence.

(2) The nature of a leave recipient's medical emergency has become more serious, resulting in an extension to the period of time the recipient will remain absent, and the recipient has not received sufficient amounts of donated leave to cover the entire period of the extended absence.

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b. This waiver shall apply to the amount of annual leave a leave donor has carried forward from one leave year to the next, accrued during a leave year, or had restored in a special annual leave account. It is not appropriate to waive the limitations on donating annual leave to avoid annual leave forfeiture at the end of the leave year.

c. Supervisory approval under this provision requires that the leave donor have no less than 80 hours of annual leave available for the donor's own use after deducting the amount of leave donated.

d. When such conditions exist, and a potential leave donor is close to or has already met the limitation stated in subparagraph 6d, then--

(1) The donor will attach to OF 630-A, (Request to Donate Annual Leave to Leave Recipient (Within Agency) Under the Leave Transfer Program), a signed and dated statement requesting the leave limitation be waived and indicating the leave recipient's condition which warrants approving same.

(2) The leave donor's first line supervisor will then add the following certification to the donor's statement for that supervisor's signature and date signed: "I herein certify the leave recipient's condition warrants granting a waiver to this leave donor in accordance with the provisions of Fort Huachuca Regulation 690-31, paragraph 7, and the donor still has at least 80 hours of annual leave available for their own use after deducting the amount of this donation from his (or her) annual leave account."

8. Program procedures.

a. A potential leave recipient will utilize Optional Form 630 (Leave Recipient Application Under the Voluntary Leave Transfer Program) to apply under this program. If the employee is incapable of doing so, a personal representative may apply on the employee's behalf. A potential leave donor will utilize Optional Form 630-A or Optional Form 630-B (Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under the Leave Transfer Program) to apply under this program.

(1) Leave recipient. The potential leave recipient, or personal representative, will complete blocks 1 through 16 of Optional Form 630. Leave donations may be accepted from a potential leave donor employed in another agency if the donor is a family member of the leave recipient and the amount of annual leave transferred from DA leave donors is either not sufficient to meet the needs of the leave recipient; or, in the judgement of DA, acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program.

(a) The first line supervisor will recommend approval or disapproval by completing block 17 of Optional Form 630 and forwarding it to the CPAC.

(b) The CPAC director or designated representative will complete Block 18 of Optional Form 630.

(2) Leave donor. Potential leave donors will complete Optional Form 630-A and forward it to the CPAC, ATTN: ATZS-CP. Leave donations may be accepted from a potential leave donor employed in another agency if the donor is a family member of the leave recipient and the amount of annual leave transferred from DA leave donors is either not sufficient to meet the needs of the leave recipient, or, in the judgement of DA, acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program. In such an instance, the potential leave donor will complete Optional Form 630-B and forward it to the CPAC, ATTN: ATZS-CP.

(3) The CPAC will verify the potential leave recipient or donor meets the provisions of the voluntary leave transfer program.

(4) The DFAS will--

(a) Transfer leave from leave donors to leave recipients.

(b) Restore unused transferred leave in accordance with paragraph 10.

(c) Complete SF 1150-A (Transfer of Leave Records for Leave Recipient Covered by the Voluntary Leave Transfer Program) and attach it to the SF 1150 if the employee is transferring to another Federal agency and is currently a leave recipient under the Voluntary Leave Transfer Program.

b. Termination of medical emergency.

(1) The medical emergency affecting a leave recipient will terminate under any of the following conditions:

(a) When the leave recipient's employment is terminated.

(b) At the end of the biweekly pay period in which it is determined the leave recipient is no longer affected by the medical emergency [as indicated in subparagraph 4a(2)].

(c) At the end of the biweekly pay period in which the Office of Personnel Management has approved a leave recipient's application for disability retirement.

(2) When the medical emergency affecting a leave recipient terminates, no further requests for transfer of annual leave to the leave recipient may be granted. However, employees may continue to receive donations for up to six months after the medical emergency ends in order to pay back any unpaid periods that occurred during the medical emergency. Any unused transferred annual leave remaining to the credit of the leave recipient will be restored to the leave donors.

9. Accrual of annual and sick leave.

While an employee is in a transferred leave status, annual and sick leave shall accrue to the credit of the employee at the same rate as if the individual is in a paid leave status with the following exceptions:

a. Annual leave. The maximum amount of annual leave that may be accrued by a leave recipient while in a transferred leave status in connection with any particular medical emergency may not exceed 40 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty).

b. Sick leave. The maximum amount of sick leave that may be accrued by a leave recipient while in a transferred leave status in connection with any particular medical emergency may not exceed 40 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's weekly scheduled tour of duty).

c. Method of crediting leave accrued while in a leave recipient status. Any annual and sick leave accrued by an employee, as a result of leave accumulations per subparagraphs 9a and 9b, will be credited into a separate annual and sick leave account for that employee and will not become available for use by the employee until after the beginning of the first applicable pay period commencing after the date on which the employee's medical emergency terminates or if the employee's medical emergency has not yet terminated, once the employee has exhausted all transferred leave made available to the employee. If such medical emergency terminates because the leave recipient's Federal service is terminated, none of the leave accumulated per subparagraphs 9a and 9b will be credited to these aforementioned special leave accounts.

10. Restoration of unused transferred annual leave.

a. Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored by transfer to the annual leave accounts of leave donors currently employed by a Federal agency on the date the medical emergency terminates. The following procedures will be used to determine the amount of unused transferred annual leave to be restored to each leave donor:

(1) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient.

(2) Multiply the resulting ratio by the number of hours of annual leave transferred by each leave donor eligible for restoration.

(3) Then round off this ratio to the nearest one-hour increment of leave.

b. If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave will be restored. In no case will the amount of annual leave restored to a leave donor exceed the amount transferred to the leave recipient by the leave donor.

c. If the leave donor retires from Federal service, dies, or is otherwise separated from Federal service before the date unused transferred annual leave can be restored, such unused leave will not be restored.

d. At the election of the donor, unused transferred annual leave may be restored to the donor by either of the following:

(1) Recrediting the restored annual leave to the leave donor's annual leave account in the current leave year or as of the first day of the following leave year (in either year the recredited leave is subject to the limitation on the maximum number of hours, normally 240, the employee may carry forward to the next leave year).

(2) Donating such leave in whole or in part to another leave recipient. If a partial donation is made, the remainder will be credited to the donor in accordance with subparagraph 10d(1).

11. Certificate of appreciation.

Commanders or directors may award a Certificate of Appreciation to those employees who have donated leave under the Voluntary Leave Transfer Program. Instructions for use of a Certificate of Appreciation by USAIC&FH directorates and staff are contained in FH Memo 672-5.

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Appendix A References

Section I Required Publications

FH Memo 672-5

Certificates of Appreciation/Achievement

Public Law 100-566

Federal Employees Leave Sharing Act of 1988

Section 5551, Title 5, United States Code (5 USC 5551)

Sections 5551, 5552, 6304a, and 6306

Section II Related Publications

Federal Personnel Manual Program 630-33

Voluntary Leave Transfer System

FH Regulation 690-15

Absence and Leave

5 CFR 6301

Code of Federal Regulations, Voluntary Leave Transfer Program

Section III Referenced Forms

FH Form 672-9-R-E

USAIC&FH Certificate of Appreciation

Optional Form (OF) 630

Leave Recipient Application Under the Voluntary Leave Transfer Program

OF 630-A Request to Donate Annual Leave to Leave Recipient (Within Agency) Under the Leave Transfer Program

OF 630-B

Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under the Leave Transfer Program

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Standard Form (SF) 1150

Record of Leave Data

SF 1150-A Transfer of Leave Records for Leave Recipient Covered by the Voluntary Leave Transfer Program

Optional Form 630-A
June 1989
U.S. Office of Personnel Management
FPM Chapter 630

Request To Donate Annual Leave To Leave Recipient (Within Agency) Under The Leave Transfer Program

I request that annual leave be transferred to the leave account of an approval leave recipient. This recipient is not my immediate supervisor. As of the date indicated below. I have enough annual leave in my account to cover this amount. I understand that if I am projected to forfeit leave during this leave year, the amount of leave I am transferring may not exceed the number of hours remaining in the leave year for which I am scheduled to work. The amount of leave I am transferring also is not more than half the hours I will earn this year.

remains after the recipient's medical emergency has terminated, I can elect to have pro-rated share returned to me during either the current leave year or the following leave during either the current leave year or the following leave year, or I can elect to donate my pro-rated share to another leave recipient. However, to do so, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, U.S.C., on the date the medical emergency terminates.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused leave

I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by an employee for the purpose of donating or using leave.

Privacy Act Statement

This program is voluntary; however, solicitation of this information is authorized by P. L. 100-566 (October 31, 1988). The information furnished will be used to identify records properly associated with the leave donation. It may also be disclosed to a national, state, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law,

rule, or regulation; or to another agency or court when the Government is party to a suit. Executive Order 9397 (November 22, 1943) authorizes use of the Social "Security Number (SSN). Furnishing the Social Security Number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the request to donate leave

TO BE COMPLETED BY LEAVE DONOR

1. Name (Last, First, Middle)	2. Social Security Number	3. Employee Number
4. Position Title, Pay Plan, and Grade/Pay Level		
5. Name of Organization (Agency, Department Office, Division, Branch, etc.)/Payroll Office Number (Office Telephone Number)		
6. Amount of Annual Leave as of End of Last Pay Period	7. Amount of Leave Projected to forfeit This Leave Year as of End of Last Pay Period	8. Amount of Annual Leave To Be Transferred
9. Individual's Name or Identification Number to Whom Leave is Being Donated/Employing Activity		
10. Signature		Date Signed

REPRODUCE LOCALLY

Optional Form 630-A
June 1989
U.S. Office of Personnel Management
FPM Chapter 630

Request To Donate Annual Leave To Leave Recipient (Within Agency) Under The Leave Transfer Program

I request that annual leave be transferred to the leave account of an approval leave recipient. This recipient is not my immediate supervisor. As of the date indicated below, I have enough annual leave in my account to cover this amount. I understand that if I am projected to forfeit leave during this leave year, the amount of leave I am transferring may not exceed the number of hours remaining in the leave year for which I am scheduled to work. The amount of leave I am transferring also is not more than half the hours I will earn this year.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused leave

remains after the recipient's medical emergency has terminated, I can elect to have pro-rated share returned to me during either the current leave year or the following leave year, or I can elect to donate my pro-rated share to another leave recipient. However, to do so, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, U.S.C., on the date the medical emergency terminates.

I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by an employee for the purpose of donating or using leave.

Privacy Act Statement

This program is voluntary; however, solicitation of this information is authorized by P. L. 100-566 (October 31, 1988). The information furnished will be used to identify records properly associated with the leave donation. It may also be disclosed to a national, state, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law,

rule, or regulation; or to another agency or court when the Government is party to a suit. Executive Order 9397 (November 22, 1943) authorizes use of the Social Security Number (SSN). Furnishing the Social Security Number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the request to donate leave

TO BE COMPLETED BY LEAVE DONOR

1. Name (Last, First, Middle)	2. Social Security Number	3. Employee Number
4. Position Title, Pay Plan, and Grade/Pay Level		
5. Name of Organization (Agency, Department Office, Division, Branch, etc.)/Payroll Office Number (Office Telephone Number)		
6. Amount of Annual Leave as of End of Last Pay Period	7. Amount of Leave Projected to forfeit This Leave Year as of End of Last Pay Period	8. Amount of Annual Leave To Be Transferred
9. Individual's Name or Identification Number to Whom Leave is Being Donated/Employing Activity		
10. Signature		Date Signed

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Optional Form 630-B
June 1989
U.S. Office of Personnel Management
FPM Chapter 630

Request To Donate Annual Leave To Leave Recipient (Outside Agency) Under The Leave Transfer Program

I request that annual leave be transferred to the leave account of an approval leave recipient. This recipient is not my immediate supervisor. As of the date indicated below. I have enough annual leave in my account to cover this amount. I understand that if I am projected to forfeit leave during this leave year, the amount of leave I am transferring may not exceed the number of hours remaining in the leave year for which I am scheduled to work. The amount of leave I am transferring also is not more than half the hours I will earn this year.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused leave

remains after the recipient's medical emergency has terminated, I can elect to have pro-rated share returned to me during either the current leave year or the following leave year, or I can elect to donate my pro-rated share to another leave recipient. However, to do so, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, U.S.C., on the date the medical emergency terminates.

I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by an employee for the purpose of donating or using leave.

Privacy Act Statement

This program is voluntary; however, solicitation of this information is authorized by P. L. 100-566 (October 31, 1988). The information furnished will be used to identify records properly associated with the leave donation. It may also be disclosed to a national, state, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law.

rule, or regulation; or to another agency or court when the Government is party to a suit. Executive Order 9397 (November 22, 1943) authorizes use of the Social "Security Number (SSN). Furnishing the Social Security Number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the request to donate leave

TO BE COMPLETED BY LEAVE DONOR

1. Name (Last, First, Middle)	2. Social Security Number	3. Employee Number
4. Position Title, Pay Plan, and Grade/Pay Level		5. Relationship to Leave Donor to Leave Recipient (If any)
6. Leave Donor's Agency (Agency, Department Office, Division, Branch, etc.)/Payroll Office Number (Office Telephone Number)		
7. Amount of Annual Leave as of End of Last Pay Period	8. Amount of Leave Projected to forfeit This Leave Year as of End of Last Pay Period	9. Amount of Annual Leave To Be Transferred
10. Individual's Name or Identification Number to Whom Leave is Being Donated/Employing Activity		
11. Leave Recipient's Name, Agency, Agency's Address, Organization		
12. Leave Donor's Signature		Date Signed

PART B- TO BE COMPLETED BY EMPLOYING AGENCY OF LEAVE DONOR

INSTRUCTIONS: Upon completion and approval of this form, forward a copy to the leave recipient's employing agency as soon as possible so that the transfer of leave can take place.

13. Enter the amount of Annual Leave To Be Credited to the Leave Recipient's Annual Leave Accept ➡	
14. If the agency is waiving the maximum limitations for leave donations under the Voluntary Leave Transfer Program, describe the special circumstances that warrants the waiver.	
15. Name of Agency Contact Who can Provide Further Information	Telephone Number
I certify that the leave donor currently has sufficient annual leave in his/her annual leave account to make a donation for the requested amount of annual leave and that the amount of the donation does not exceed the maximum limitations for leave donation under the Voluntary Leave Transfer Program. Signature of Authorizing Official and Date Signed ➡	

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